

Message Text

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ACTION L-03

INFO OCT-01 AF-06 ISO-00 SCCT-01 DHA-02 CIAE-00 DODE-00

INR-07 NSAE-00 PA-01 USIA-06 PRS-01 SP-02 IO-10 PM-04

NSC-05 SS-15 EB-07 AID-05 /076 W

----- 006875

R 291001Z AUG 75

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 2605

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

USMISSION USUN

LIMITED OFFICIAL USE PRETORIA 3298

E.O. 11652: N/A

TAGS: PINS, PINT, SHUM, SF

SUBJ: DETENTIONS UNDER TERRORISM ACT

REF: STATE 201358

1. IN RESPONSE TO PARA 5 REFTTEL, EMBASSY BELIEVES THAT TOUGH SAG POLICY OF POLITICAL SUPPRESSION IS A CONTINUING PHENOMENON, BUT THAT RECENT SPATE OF DETENTIONS DOES NOT RPT NOT REPRESENT A SUBSTANTIAL INCREASE IN REPRESSION. OCCURRENCE NUMBER OF DETENTIONS IN SHORT SPACE OF TIME CREATES IMPRESSION OF UPSURGE, BUT REVIEW OF INSTANCES OVER PERIOD OF SEVERAL YEARS FAILS TO SHOW MARKED UPTURN. FROM TIME TO TIME DIFFERENT FORMS OF REPRESSION ARE EMPLOYED. IN PAST SAG HAD EMPLOYED BANNINGS AND DEPORTATIONS, BUT SINCE SEPTEMBER 1974 PROFRELIMO RALLIES SAG APPEARS TO HAVE USED DETENTIONS UNDER TERRORISM ACT MORE OFTEN.

2. TERRORISM ACT DETENTIONS ARE PARTICULARLY VIOLATORY OF BASIC HUMAN RIGHTS BECAUSE THE ACT ALLOWS HOLDING

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INDIVIDUALS INCOMMUNICADO AND EVEN IN SOLITARY CONFINEMENT

FOR LONG PERIODS WITHOUT CHARGES. WITHOUT LEGAL PROCESS, POLICE CAN EXTEND ORIGINAL 180-DAY DETENTION VIRTUALLY INDEFINITELY AS THEY WISH. DETAINEES CAN, AND OFTEN ARE, DENIED ACCESS TO LEGAL COUNSEL, AND ARE OFTEN HELD WITHOUT FAMILIES BEING INFORMED EVEN OF THEIR WHEREABOUTS, LET ALONE REASONS FOR DETENTION.

3. RECENT SPATE OF DETENTIONS UNDER TERRORISM ACT MAY LEAD TO REQUEST FOR DEPARTMENT COMMENT. IN OUR VIEW, THIS WOULD PROVIDE HIGHLY USEFUL OPPORTUNITY TO REGISTER AGAIN DEEP USG CONCERN AT INHUMAN ASPECTS OF THE LAW. RESPONSE, WHILE RECOGNIZING RIGHT OF EVERY STATE TO ACT AGAINST THOSE WHO VIOLATE ITS LAWS, SHOULD STRESS THAT RESPECT FOR RIGHTS OF INDIVIDUALS IS ESSENTIAL PART OF RULE OF LAW AS UNDERSTOOD AMONG MODERN AND ENLIGHTENED NATIONS. TERRORISM ACT FAILS TO PROVIDE MINIMUM SAFEGUARDS SUCH AS RIGHT OF INDIVIDUAL TO KNOW REASONS FOR DETENTION, RIGHT TO HAVE PROMPT ACCESS TO LEGAL COUNSEL, AND RIGHT TO EXPECT PROCESSES OF LAW TO MOVE TOWARD RESOLUTION OF ISSUES IN REASONABLE TIME FRAME.
BOWDLER

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